

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Edward D. Berthiaume

v.

Case No. 09-cv-221-PB

Ticor Title, et al.

ORDER

Re: Document No. 14, Motion to Intervene

Ruling:

Denied without prejudice as premature. Plaintiff moved for a subpoena but his request is unnecessary. Rule 45(a)(3) means what it says. "The Clerk shall issue a subpoena signed but otherwise blank, to a party requesting it." The Clerk is ordered to provide that subpoena to plaintiff. Plaintiff may subpoena the telephone records of every call in the relevant period for which he was charged, paying the witness fee and mileage as required by law. . Hillsborough County may exercise its rights under Rule 45 but should advance arguments cognizable under federal law. Defendants have no right to object under Rule 45.

/s/ James R. Muirhead

James R. Muirhead  
Magistrate Judge

Date: November 3, 2009

cc: Edward D. Berthiaume, Pro Se  
Beryl Cohen, Pro se  
Timothy Gudas, Esq.  
Carolyn Kirby, Esq.